

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66479 of 2018

Arising Out of P.S. Case No. -275 Year- 2014 Thana -BUDDHACOLONY District-
PATNA

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Kamla Devi, Wife of Sri Indradev Prasad, R/o Mohalla-
Behind Dujra Petrol Pump, Dujra, P.S.-Budha Colony,
District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar, Son of Lal Bihari Rai, R/o Mohalla-Behind
Dujra Petrol Pump, Dujra, P.S.-Budha Colony, District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-11-2018 The opposite party No. 2 was granted bail by the

Court below on 31.10.2014 in connection with Budha Colony
P.S. Case No. 275 of 2014, dated 23.09.2014, instituted for
the offences under Sections 454, 341, 323, 325, 307 and
506/34 of the I.P.C.

From the order referred to above, it appears that
the bail was granted to opposite party No. 2 on the ground
that there was no specific allegation against him and that



there was a dispute with respect to a passage of land over which the petitioner as well as the opposite party No. 2 had staked their respective claims. However, a petition was filed by the petitioner/informant for cancellation of bail on the ground that the bail order was passed in haste and that also without perusing the injury report.

The Court below while dealing with the petition referred to above came to the conclusion that the order was passed after properly referring to the issues involved in the case and referring to all the matters which were necessary for the disposal of a bail petition. The cancellation application preferred by the petitioner was, therefore, dismissed by order dated 21.03.2017.

The aforesaid order is under challenge in the present proceeding.

The learned counsel for the petitioner has but only fairly stated that the only ground for pressing this petition is that an injury report was called for by the Court below before granting bail to the opposite party No. 2 on 17.10.2014 and the case was fixed for 28.10.2014. No order appears to have been passed on 28.10.2014 and the case was adjourned to 31.10.2014, when bail was granted to the opposite party No. 2.

It has been submitted by Mr. Anil Chandra



learned counsel for the petitioner that this clearly demonstrates that the bail order was passed in a haste and that also without giving any opportunity to the petitioner (informant) to oppose the bail petition.

I have perused the entire order-sheet. Though, there is no entry in the order-sheet for 28th and 29th October, 2014, nonetheless considering the nature of accusation in the F.I.R. and the other surrounding circumstances, this Court is of the view that no useful purpose would be served in cancelling the bail of the opposite party No. 2. The Court proceedings are not being handled properly. That may not be a ground for cancellation of bail of opposite party No. 2. The Court below is directed and warned to be careful in future in recording the Court orders properly.

No good ground has been made out by the learned counsel for the petitioner to interfere with the order, whereby bail was granted to the opposite party No. 2 and the order dated 21.03.2017, whereby the application preferred on behalf of the petitioner for cancellation of bail of opposite party No. 2 has been rejected.

The petition is without merits and is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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